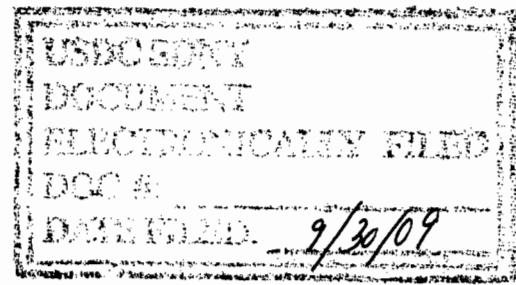


ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DOMENICK J. VULTAGGIO and BEVERAGE :  
MARKETING USA, INC., :  
: Plaintiffs,  
-against- :  
JOHN M. FEROLITO, :  
: Defendant.  
-----X



ORDER

09 Civ. 3514 (VM)(KNF)

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

IT IS HEREBY ORDERED that a telephonic conference, initiated by counsel to the defendant, will be held with the parties, on September 30, 2009, at 3:30 p.m. At that time, the Court will entertain the September 29, 2009 application made by the defendant regarding alleged "improper discovery tactics" relating to damages discovery. The plaintiff may submit to the Court a written response pertinent to the defendant's application, on or before 2:30 p.m., on September 30, 2009.

Counsel to defendant, Andrew E. Tomback, shall serve a copy of this order on all parties.

Dated: New York, New York  
September 30, 2009

SO ORDERED:

  
\_\_\_\_\_  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE